

**Response**

Applicant: Travis J. Parry

Serial No.: 10/092,050

Filed: March 5, 2002

Docket No.: 10008068-1

Title: PRINTER OPTION SUGGESTION METHOD AND PROGRAM

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**REMARKS**

The following Remarks are made in response to the Non-Final Office Action mailed October 16, 2007, in which claims 1-20 were rejected.

Claims 1-20 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Parry US Patent No. 6,865,564.

The Parry US Patent No. 6,865,564 has a patent date of March 8, 2005, and a filing date of November 8, 2001. The present application has a filing date of March 5, 2002 (i.e., a date after the filing date of the Parry patent, but before the patent date of the Parry patent).

Thus, the Examiner has applied the Parry patent as a reference under 35 U.S.C. 102(e). 35 U.S.C. 102(e) provides that:

A person shall be entitled to a patent unless -

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language (emphasis added).

35 U.S.C. 102(e), therefore, requires that the patent be "granted on an application for patent by another...." In this instance, the inventor of the present application is Travis J. Parry. The inventor of the present application is also the inventor of the Parry US Patent No. 6,865,564 (i.e., Travis J. Parry). The Parry US Patent No. 6,865,564, therefore, did not grant on an application for patent "by another."

In view of the above, Applicant submits that the Parry US Patent No. 6,865,564 does not qualify as a reference under 35 U.S.C. 102(e). Applicant, therefore, respectfully requests that the rejection of claims 1-20 under 35 U.S.C. 102(e) be reconsidered and withdrawn, and that claims 1-20 be allowed.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-20 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-3958, Facsimile No. (208) 396-5287 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 16<sup>th</sup> day of January 2008.

By   
Name: Scott A. Lund